

# United States Patent Application

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ETCHING OF HIGH ASPECT RATIO STRUCTURES**

the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I claim foreign priority benefits under 35 U. S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached

I claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

I claim the benefit under 35 U.S.C. § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in Title 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.



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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**S/N Unknown**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kevin G. Donohoe  
Serial No.: Unknown  
Filed: Herewith  
Title: **ETCHING OF HIGH ASPECT RATIO STRUCTURES**

Examiner: Unknown  
Group Art Unit: Unknown  
Docket: 400.100US01

**POWER OF ATTORNEY BY ASSIGNEE AND  
CERTIFICATE BY ASSIGNEE UNDER 37 CFR § 3.73(b)**

Commissioner for Patents  
Washington, D.C. 20231

Micron Technology, Inc., assignee of the entire right, title and interest in the above-identified application filed herewith, hereby appoints the attorneys and agents of the firm of FOGG SLIFER & POLGLAZE, P.A., listed as follows:

Fogg, David N.	Reg. No. 35,138	Kelly, Mark D.	Reg. No. 39,467
Polglaze, Daniel J.	Reg. No. 39,801	Lundberg, Scott V.	Reg. No. 41,958
Slifer, Russell D.	Reg. No. 39,838	Myrum, Tod A.	Reg. No. 42,922
Leffert, Thomas W.	Reg. No. 40,697	Walseth, Andrew C.	Reg. No. 43,234

and also attorney Michael L. Lynch (Reg. No. 30,871) of Micron Technology, Inc., as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

The assignee certifies that the above-identified assignment has been reviewed and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all correspondence regarding this application to the following:

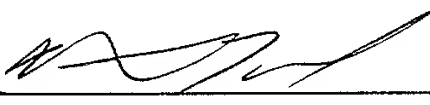
Customer No. 27073

FOGG SLIFER & POLGLAZE, P.A.  
Attn: Thomas W. Leffert  
P. O. Box 581009  
Minneapolis, MN 55458-1009

Telephone (612) 312-2200  
Fax (612) 312-2250

**MICRON TECHNOLOGY, INC.**

Dated: 6-22-01

By:   
Name: Michael L. Lynch  
Title: Chief Patent Counsel